

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 4417-050287	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/003084	International filing date (<i>day/month/year</i>) 27 January 2005 (27.01.2005)	Priority date (<i>day/month/year</i>) 27 January 2004 (27.01.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant STEVENS, Donald, A.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 27 July 2006 (27.07.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Simin Baharlou</div> e-mail: pt09@wipo.int
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PATENT COOPERATION TREATY

REC'D 15 AUG 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
RICHARD L. BYRNE
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219-1818

Date of mailing
(day/month/year)

11 AUG 2005

Applicant's or agent's file reference

4417-050287

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/03084

International filing date (day/month/year)

27 January 2005 (27.01.2005)

Priority date (day/month/year)

27 January 2004 (27.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): E04B 2/30 and US Cl.: 52/177, 483.1, 489.1, 489.2

Applicant

DONALD A STEVENS

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Carl D. Friedman

Telephone No. 571-272-3600

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/03084

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/03084

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>4,5,10,16 and 20</u>	YES
	Claims <u>1-3,6-9,11-15,17-19,21 and 22</u>	NO
Inventive step (IS)	Claims <u>4,5,10,16 and 20</u>	YES
	Claims <u>1-3,6-9,11-15,17-19,21 and 22</u>	NO
Industrial applicability (IA)	Claims <u>1-22</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1,2,11,12,14,15,17,19,21 and 22 lack an inventive step under PCT Article 33(3) as being obvious over US Patent #6,631,598 to RAINERI. In reference to claims 1, 17, and 21 RAINERI discloses a framing system and method of assembling including a plank member (5,7) having a generally flat front surface and an opposing back surface having at least one rib (AS AT 10) having first and second sides that diverge away from one another and that are received in receptors (8,11) formed in an underlying structure (4); wherein the maximum height obviously occurs at the place of maximum divergence and the minimum receptor width is obviously less than the maximum height of the rib (10). Regarding claim 2, the plank (5,7) is secured to the underlying structure through the ribs (10) and receptors (8,11). Regarding claim 6, the ribs (10) appear to be rigid. In reference to claims 12 and 14, the receptor (8,11) is within the underlying structure (4) and the rib (10) is in the plank (5,7). Regarding claim 15, adjacent planks (5,7) interlock. In reference to claim 19, the maximum height obviously occurs at the place of maximum divergence and the minimum receptor width is obviously less than the maximum height of the rib (10). Further regarding claims 21 and 22, the method includes aligning the ribs (910) urging the rib (10) into the receptor (8,11), punching the plank to form the ribs (10) and bending the plank.

Claims 3,6,7,8,9,13 and 18 lack an inventive step under PCT Article 33(3) as being obvious over US Patent #6,631,598 to RAINERI in view of US Patent #5,761,867 to CARLING. In reference to claim 3, 6-9 and 18, CARLING teaches that it is known in the art to form resilient and compressible ribs (500b). Regarding claim 13, CARLING also teaches that it is known to form the ribs (as at 16) out of separate pieces secured to the plank.

Claims 4,5,10,16 and 20 lacks the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/03084

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made: